**Finding a Path Forward – Stonecroft Fence Issue**

**Date:** 3/16/16

**Time:**  7:00pm

**Location:** 74 Hesters Court

**Attendees:** Bob Stout, Jim Fischer, Tom Wilhelm, Herb Blow, Jeanne Stout

**History and catch up on where we are to date:**

*A special meeting was held to discuss the cancelation of the insurance on the fence along Kisker road. The purpose of the meeting was to move forward with finding a resolution to the insurance being cancelled. This action has put the insurance costs and maintenance burden, formerly covered by the HOA for the last 10+ years, on the individual homeowners. The consensus of the original homeowners is that the fence was subdivision owned and would be maintained by the HOA. Homeowners who purchased a lot along Kisker, where the fence was prebuilt by TR Hughes, were told during their real estate transaction that the fence was not their responsibility.*

*It was agreed by all parties present at this meeting that the fence is a benefit to the entire subdivision and we need to try and find a way to eliminate the burden of insurance and maintenance of the fence from the individual homeowners.*

*Currently, the grounds facing Kisker road are continuing to be maintain by the HOA. The only change to date has been the cancellation of insurance coverage by the HOA that resulted in a nominal reduction to the annual premium.*

*The recent legal opinion letter outlining the limitation of the Board was reviewed. In addition, it was brought to the Boards attention that given the history of the Board’s activities in conjunction with this particular attorney, the opinion letter is not trusted. Furthermore, it is not clear if the attorney understood the entire history of the fence and that the HOA has been maintaining it for more than 10 years*

*It was explained that two of the three Board members acted together in an effort to facilitate a meeting with this attorney and a homeowner representative. Once again, this was done to try to determine what options we have to resolve the issue related to the Kisker Road fence. The opinion letter was written as a result of this meeting.*

*However, it is acknowledged by some Board members that decisions around the fence are not well documented. As well as an understanding of why there could be some mistrust with the attorney. With that said, the Board has agreed to work collaboratively with the homeowners to pursue 2 potential options for moving forward.*

**Potential path(s) forward:**

1. *The complications with simply reinsuring the Kisker Road fence are a result of the fence not being clearly addressed in the subdivision Indentures and/or By Laws. This omission was made and admitted to by the builder. The recommendation was made that the representative homeowner (Bob Stout) will set up a meeting with Mr. Hughes to discuss the issue in more detail. A Board member will also attend this meeting to listen to the discussion. More details will follow and Mr. Stout will be in touch with those homeowners who may want to attend the meeting. We are hopeful Mr. Hughes will agree to a meeting.*
2. Given the distrust in the Boards activities, the board had agreed to seek another attorney to review this issue and the opinion letter. The attorney will be collaboratively chosen by the board and the impacted homeowners. This step is needed to avoid any litigation and further legal expenses for both the HOA and the individual homeowners impacted.

Once both meetings have taken place, the Board will work with the homeowners to determine next steps.

Tom Wilhelm

Secretary – Stonecroft HOA